

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION**

Orus Ashby Berkley, <i>et al.</i> ,)	
Plaintiffs,)	Case No. 7:17-cv-00357-EKD
)	
v.)	Judge Elizabeth K Dillon
)	
Federal Energy Regulatory Commission,)	
<i>et al.</i> ,)	
Defendants.)	

**MEMORANDUM IN SUPPORT OF FEDERAL DEFENDANTS'
UNOPPOSED MOTION FOR EXTENSION OF TIME TO FILE
RESPONSE TO MOTION FOR PRELIMINARY INJUNCTION**

On July 27, 2017, Plaintiffs filed a complaint and a motion for preliminary injunction against the Federal Energy Regulatory Commission and an individually named Commissioner (collectively, the “Commission”) and against Mountain Valley Pipeline, LLC (“Mountain Valley”), alleging that the granting of eminent domain power under Natural Gas Act section 7(h), 15 U.S.C. § 717f(h), is unconstitutional. On the same day, Plaintiffs also filed a motion for preliminary injunction prohibiting FERC from issuing to Mountain Valley Pipeline a certificate of public convenience and necessity pursuant to Natural Gas Act section 7(c), 15 U.S.C. § 717f(c).

The Commission’s response to the motion for preliminary injunction is currently due to be filed by Monday, August 14, 2017. The Commission needs sufficient time to become familiar with the issues presented in the preliminary injunction motion, to prepare its response to the motion, and to coordinate with counsel in the Department of Justice (both in the Federal Programs Branch in Washington D.C. and the U.S. Attorney’s Office in Virginia) regarding that response.

Accordingly, the Commission respectfully requests, without opposition, that the Court extend the Commission's time to file a response to the motion for preliminary injunction until Friday, September 1, 2017. The Commission further requests that the date on which Plaintiffs would have to file a reply be extended until Friday, September 15, 2017. The Commission has consulted with counsel for Plaintiffs, who stated that this motion is unopposed.

Respectfully submitted,

/s/ Beth G. Pacella

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August 9, 2017

CERTIFICATE OF SERVICE

I hereby certify that, on August 9, 2017, I filed the foregoing using the Court's CM/ECF system, which will provide electronic notice to the following:

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